

Application No. 09/637,764

REMARKS

The above amendments and these remarks are responsive to the Office Action mailed on January 17, 2003. Claims 30 and 34 have been canceled. Claims 28 and 32 have been amended. Claims 40 and 41 have been added. Claims 1-4, 7-29, 31-33, and 35-41 are now pending in this application. Reconsideration on the basis of the above-amendments and remarks below is kindly requested.

The Examiner rejected claims 28-35 and 37 under 35 USC §251 as being based upon new matter in that the claims required a particle mesh size that is either less than or greater than a certain mesh size and not a range of mesh sizes as originally disclosed. While applicants respectfully disagree, in an effort to expedite prosecution, claim 28, has been amended to include the limitations of claim 30 and now requires a spherical cast tungsten carbide particles having a particle size between about 16 mesh to less than 40 mesh. Claim 32 has also been amended to incorporate the limitations of claim 34 and it now requires a spherical cast tungsten carbide particles having a particle size between greater than 80 mesh and 200 mesh. Support for these limitations are found in the patent being reissued. Claims 29 and 31 are dependent from claim 28. Claims 33 and 35 are dependent from claim 32. As such, applicants submit that the rejections to claims 28, 29, 31, 33 and 35 under 35 USC §251 have been overcome.

Claims 40 and 41 have been added and are directed to subject matter disclosed in the patent being re-issued. No new matter has been added. Claims 40 and 41 are dependent from claims 28 and 32, respectively. As such, applicants submit that claims 40 and 41 are also in condition for allowance as being dependent from an allowable base claim and for the additional limitations they contain therein.

Claim 37 is dependent from claim 36. Claim 36 has already been deemed allowable by the Examiner. As such, applicant submits that the rejections to claim 37 under 35 USC §251 is improper should be withdrawn.

The Examiner objected to the numbering of claim 38 and renumbered claim 38 as claim 39. Applicants acknowledge and agree with such renumbering.

The rejections to all claims pending in this application are believed to have been overcome and this application is now believed to be in condition for allowance. Should the Examiner have

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any remaining questions or concerns about the allowability of this application, the Examiner is kindly requested to call the undersigned attorney to discuss them.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

A handwritten signature in black ink, appearing to read 'Constantine Marantidis', is written over a horizontal line.

By

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